

December 11, 2003

Phil Gaudet, Chairman  
NR115 Committee  
Washington Co. Planning & Park Dept.  
333 E. Washington St., Suite 2300  
West Bend, WI 53095-2585

RE: December 5, 2003 NEWCCA Meeting.

Dear Phil,

On December 5, 2003 NEWCCA met to discuss the document "Proposals to Update Wisconsin's Shoreland Management Program, NR115 Advisory Committee Preliminary Recommendation". NEWCCA provides the following comments:

1. Shoreland Buffers.
  - a. Buffer depth. NEWCCA supports Proposal B with the understanding that the counties could be more restrictive.
  - b. Size of viewing access corridor for single family and duplex residential properties. NEWCCA supports Proposal A. The counties should be allowed to flexibly administer Proposal A because it is subject to interpretation.
2. Ordinary High Water Mark Setbacks.
  - a. Boathouse options. NEWCCA supports Proposal B with the understanding that the counties could be more restrictive.
3. Nonconforming Structures.
  - a. Minimum size to be eligible for expansion. NEWCCA supports Proposal B with the understanding that the counties could be more restrictive.
  - b. Total size of structure. NEWCCA is of the opinion that the NR115 Advisory Committee is being too detailed. NR115 should be a minimum set of standards. NEWCCA stated that if one of the proposals were to be adopted that the advisory committee should consider using a limit based on footprint because of problems that have arisen defining "habitable area" and administering and enforcing habitable area.
  - c. Structures in more than one buffer zone. NEWCCA was split on this issue. NR115 should be a minimum and this issue should be left for the counties to administer. The question also arose on how the DNR will determine if the county is below the minimum.
  - d. Major reconstruction. NEWCCA supports Proposal A. NEWCCA feels that structural elements is hard to define and recommends not using structural components, but rather look at linear perimeter or some other measurement. NEWCCA is of the opinion that Proposal B establishes a brand new setback.

4. Minimum lot size – single-family homes, duplexes and commercial development.
  - a. Minimum size for new lots. NEWCCA recommends Proposal B.
  - b. Minimum buildable area. NEWCCA is in support of Proposal A but recommends that the word floodway be replaced with floodplain. Furthermore, there was some discussion about two contiguous lots being combined to possibly make one conforming lot. NEWCCA states that this issue should be left up to the counties.
5. Impervious surface provisions. NEWCCA states that there should be a minimum, but the counties should establish that minimum.
6. Recreational areas including campgrounds, public access sites and marinas. NEWCCA feels that this entire section should be removed and left to the counties to administer.

NEWCCA stated that septic system issues should be part of the NR115 discussion. It is NEWCCA's belief that septic systems can have a profound affect on lake quality and is very important for lake protection. At a minimum, the septic system issue should be discussed as part of a mitigation plan when structures are allowed to be remodeled. NEWCCA does believe that NR115 should be a minimum and the counties should have the ability to be more restrictive if they so desire.

If you have any questions or concerns regarding this correspondence, please feel free to contact me.

Respectfully,

Dawn Schmidt  
President, NEWCCA



## Wagner, Carmen (DNR)

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**From:** Dave Gjestson [gjestson@chorus.net]  
**Sent:** Tuesday, November 11, 2003 10:17 AM  
**To:** "Toni.Herkert@dnr.state.wi.us"@im2.mail.tds.net  
**Cc:** Jean Clausen; Juliana Clausen; Cupp, Mark; Colden, Steven A; Tim Zumm  
**Subject:** Shoreland Zoning

I am most interested in enhancing our existing shoreland protection laws and intend to participate actively in the review process in the coming months.

I appreciate the web site and am impressed with the amount of information shown.

I am Co-chair of the Friends of the Lower Wisconsin State Riverway (FLOW), an active group of 65 recreationalists concerned with river related issues. I anticipate we will be very supportive of rules which **improve** river protection and very opposed to any weakening of existing regulations.

As a long-time DNR employee (30 years) now retired, I am empathetic to the pressures you will receive from developers, anti-government sources and citizens naive to the vital importance of state water front protection. Keep in mind *"people are down on what they're not up on!"* Getting the information out there is critical for shaping sound, informed decision making!

Sincerely,  
David L. Gjestson

**Wagner, Carmen (DNR)**

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**From:** Don & Cari Glaeser [doncari@dotnet.com]  
**Sent:** Saturday, December 27, 2003 11:35 AM  
**To:** Herkert, Toni  
**Subject:** Revisions to Statewide Shoreland Development Standards  
December 27, 2003

Toni Herkert

DNR

Subject: Revisions to the Statewide Shoreland Development Standards.

Dear Toni,

I was at your Listening Session at Crivitz Village Hall on December 5, 2003. I want to congratulate you on your presentation. It was done well and in what I call record time for the amount of data you presented to us. I will be waiting to hear your next update at WAL in April of 2004.

I would like you to revisit your thoughts and consider including into the shoreland development a topic that is very important to many lake property owners. That is "key holing". Two years ago I received from a WAL workshop the wording to present to our Town Board, Town of Rockland, Manitowoc County showing how the Town can protect itself from "key holing" on a specific town lake. We followed the rules the town gave us for taking a vote of adjoining lake property owners. We had 87.5% yes votes, (21 votes), 8.33% no votes (2 votes) and one person asked for more information and agreed with the proposal but never returned a vote, 4.17%. The Town Board turned us down because they now said we should have included land owners for one mile around the lake into the balloting. Remember they initially set the rules for us! Our county (Manitowoc) is going to include this wording into the county's shoreland zoning standards, but as counties require many separate committee meetings to accomplish something like this I expect this could take years.

My reasoning is this. With no additional enforcement a "key hole" has an open door to almost any thing. A "key hole" lake lot does not have to be big enough to build a home or cottage. It opens itself to a storage area for canoes, paddle boats, ice shacks, boats, jet-skis, etc. There also could be a large fire pit making it a gathering place for all people who own condo's, their friends and maybe anyone else out to party and very possibly with loud music. Now who's going to police this area? What is the aesthetic impact on the adjoining properties and property values? Our current laws on docks are very vague, how many boats will be tied up? And again who will police it?

I know this is not an easy task. But we need some guidance from the state and I think this is an excellent opportunity.

Thank You,

Don Glaeser

732 Bullhead Lake Rd.

Brillion, WI 54110

(920) 853-3437

03/22/2004

## **Wagner, Carmen (DNR)**

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**From:** Dianne Grage [ggrage@cheqnet.net]  
**Sent:** Wednesday, December 31, 2003 9:46 AM  
**To:** Herkert, Toni  
**Cc:** ggrage@cheqnet.net  
**Subject:** Comments Regarding NR 115

From:  
Dr. Glenn E. Grage and Dianne E. Grage  
Lake Namakagon  
43805 County Highway D  
Cable, WI 54806  
Telephone: 715-794-2358  
E-mail: ggrage@cheqnet.net

To:  
Toni Herkert, Shoreland Management Team Leader  
WI DNR  
Re: NR 115

We are residents and voting taxpayers of the Township of Namakagon in Bayfield County, Wisconsin and are members of the Namakagon Lake Association. Glenn is a past Secretary of the Association and has also been involved with the DNR's Secchi Disc Readings and/or Self-Help Lake Monitoring Program for approximately six years. We have spent a great deal of time and money restoring our lakeshore on Lake Namakagon. We support clean waters, natural shorelines, wildlife habitat, fisheries, protection of property values and the public trust doctrine. Over-development remains a threat to the future of our beautiful Lake Namakagon as well as other lakes in our area and in the state. We are both interested in saving and improving our lakes for current and future generations and that can only be accomplished through strong regulations.

We attended one of the listening sessions regarding NR 115 on November 11, 2003 in Spooner, WI. We listened to the excellent presentation made by the young lady from the DNR and the comments made by many individuals in the audience. We have reviewed the NR 115 proposals and recommendations regarding shoreland buffers, setbacks, nonconforming structures, lot sizes, etc. and in all cases we favor the "most restrictive measures". Our lake's future and the future of Wisconsin's 15,000 lakes as well as the shoreline residents and visitors will ultimately benefit from the strictest of regulations.

We are forwarding a hard copy of this letter to you via regular mail today.

Thank you for your consideration.

Very truly yours,

Dr. Glenn E. Grage

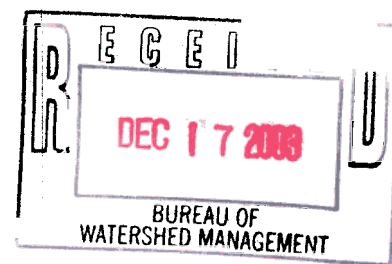
Dianne E. Grage

P.S. Please place us on your e-mail or hard copy list of interested parties to receive information as it becomes available.



NR 115 Listening session in Grand Chute Dec. 5, 2003

Comments:



I have a year-round cottage on Lake Winneconne. It is about 40 feet from the shore. I do not intend to enlarge the structure at all. I do want to be able to maintain it.

I belong to Sierra Club and Wild Ones so I understand the importance of wetlands, protection of the shore, the importance of biodiversity, etc. My husband and I are adding native plants to the property to encourage a variety of animal life. With just the few plants we planted last summer we have toads, butterflies, other insects, and birds. We are eager to plant more native plants.

At the listening session, I could tell that some speakers (the real estate people and the Town of Neenah board chairman) have no understanding of the importance of wetlands, protection of habitat, and keeping the shoreline as natural as possible. They like the mowed lawns and think it is anyone's 'right' to do what they want to with their property. Education is very necessary so the public understands how essential wetlands are, the importance of trees and native vegetation, and how harmful mowed lawns are.

I do not know how to answer the questions on the questionnaire. As I said above, for myself, I want to be able to maintain my buildings and I plan to plant native plants on the property.

For people building new homes, or additions, putting in driveways, cutting down trees, etc. I am in agreement with the restrictions you suggested--- distance from the water, size of building, size of corridor, limited removal of trees and vegetation, etc. I think all of those ideas sounded fair to the property owner and somewhat protective of the environment.

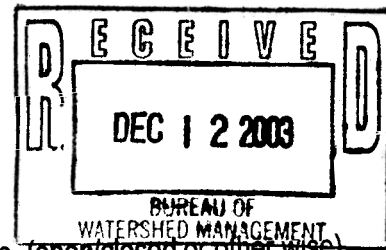
Thank you to the committee for your hard work on this important issue. Wisconsin needs legislation that is fair and protective of the environment.

Nancy Graham  
26 South Meadows Drive  
Appleton, WI 54915

## NR 115 improvements

12-5-03

DAG



1. Get all the words in the document so it has some meaning. Fence, (~~open/closed~~ or other wise) would be a good example of what should be in the document and not close to the water.
2. Specifically state that natural wild life (deer, coyotes, squirrel etc) have access rights to the buffer zone, as was the case until the blocking fences.
3. A prison fence 10 feet high that requires footing for support and stability is a structure. It is also a hazarded for entrapment and being over turned by the wind.
4. **NO**, fences in the keep out zone, and define a fence. Other states have done so Wisconsin should be able to also.
5. Nothing except tree, grass, weeds, flowers, wildlife and people should be allowed in the keep out zone.
6. Septic systems should also be excluded, not permitted in the 75 feet.
7. Structure, a definition, a collection of interconnected member when taken as a whole unit support each other and give form to the object. A chain-link fence is a structure as is nearly ever thing else. The paper this is printed on is a structure, it should not be allowed in the buffer zone.

Dale A. Grant

Roy R. Grant